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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,201	11/14/2003	Kevin M. Patfield	LUTZ 2 00227	2661

7590

11/23/2005

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,201

Applicant(s)

PATFIELD, KEVIN M.

Examiner

Creighton H. Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre-Appeal brief request for Review file.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,12,15 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11,13,14,16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In view of Applicant's remarks filed on 08 SEP '05, the finality of the Office action dated 03 JUN '05 is withdrawn, and prosecution is re-opened.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner is having is having a hard time understanding exactly what applicant means by "detecting the screen saver communications". That phrase reads as if the screen saver itself is making a communication, but this lacks disclosure in the spec. The detection of communications is fully disclosed in the spec in the form of VoIP. So, communications, the VoIP, is detected by the PC/ operating system, and when communications ceases, then the screen saver will kick in. Examiner can find no disclosure in the spec where the screen saver is actually communicating anything. Applicant's spec has full disclosure for the detection of VoIP communications, and when those communications cease the screen saver will come on.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-11, 13, 14, 16, and 18 are rejected under 35 U.S.C. 102(b/e) as being anticipated by Skarbo et al or Hinckley et al .

Skarbo et al disclose in their Abstract the activation and deactivation of a screen saver in a video conferencing system. Skarbo et al go on to disclose that the screen saver is activated or deactivated based upon the presence of a person in the video conferencing room, or “if the video conferencing system detects that there is an active video conferencing session.” Therefore, Skarbo et al definitely disclose applicant’s step “(a)” of “detecting . . . communications”, because if the communications, in the form of video conferencing, are detected, the screen saver will be deactivated so that each participant’s image can be seen by the participants. Skarbo discloses in the last sentence of their Abstract, that “the presence may be detected by motion, sound, or other techniques. Skarbo et al are doing the same thing that applicant proposes to do in their VoIP telephone call, that is when the PC detects sound for an VoIP telephone call, then the screen saver will be deactivated; when no sound is present then the screen saver will be activated. Skarbo et al disclose in col. 2, lines 25-30, that “the screen saver will not be activated if the video conferencing system is being used.” This meets applicant’s step “(c)” in claim 1. Applicant’s step “(b)” is met by Skarbo et al in col. 1, lines 45-50, where they disclose “activating the screen saver process when no presence has been detected, and since Skarbo et al have disclosed that it is not just the presence that is needed to activate/deactivate their screen save, but sound also, this disclosure meets applicant’s step “(b)”.

Hinckley et al disclose in col. 15, lines 4-17, a computer system with an input device in the form of a mouse. Hinckley et al further disclose if the user has not moved the input device or has not entered text over a period of time, the PC will initiate a screen saver program. The screen saver application will be stopped when the user touches an input device. Therefore, Hinckley et al "detect communications", applicant's step "(a)", when text is entered or the mouse is touched. The "communications" is in the form of text being entered, or an electrical signal sent by the mouse in response to touching the mouse. When the user is not present at the work station PC, there is no communications being generated and the screen saver is activated, which is read upon applicant's step "(b)".

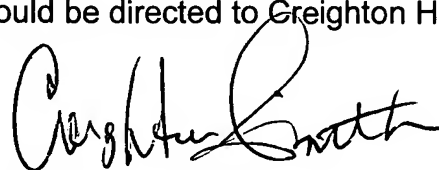
Applicant's spec., page 3, lines 12-15, discloses the same thing that both Hinckley et al and Skarbo et al are doing: "the screen saver being in the deactivated state when the input device is being used and in the activated state when the input device goes unused for a specified duration of time..."

Claims 6, 12, 15, 17 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al - 6633318.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

01 NOV '05



Creighton H Smith
Primary Examiner
Art Unit 2645